



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>th</sup> STREET, SUITE 3200  
HELENA, MONTANA 59626

April 14, 2003

Ref: 8MO

Hon. Conrad Burns  
United States Senator  
125 West Granite Street  
Butte, Montana 59701

Attention: Ms. Cindy Perdue-Dolan and Lisa Wheeler

Dear Senator Burns:

Thank you for your recent inquiry on behalf of Messrs. M. Zane Gray and Mark Ryckman regarding the closing of the East Helena Asarco lead smelter.

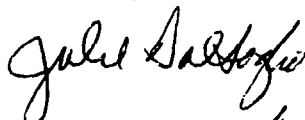
As you are aware, smelter operations were discontinued in April 2001. Asarco officially defines its East Helena operations as "temporarily suspended" and in a "care and maintenance status." According to Asarco officials, that status remains in effect because of depressed market conditions for lead, copper and precious metals.

Unfortunately for Messrs. Gray and Ryckman, and many other former Asarco workers nationwide, neither "more favorable market conditions" nor term limits on "temporarily suspended" facilities has been defined. The Asarco El Paso plant, which discontinued operations at least two years or more before the East Helena plant, remains today in that status: Temporarily suspended.

The EPA does not have authority to require Asarco to permanently close the East Helena facility. Regulation of day-to-day aspects of the facility is conducted largely by the Montana Department of Environmental Quality (MDEQ). From our discussions with MDEQ officials, we at EPA believe that the MDEQ remains committed to ensuring that Asarco complies with all environmental regulations pertaining to the facility, including its closure.

I regret that the EPA cannot give a more definitive answer at this time.

Sincerely,

  
John F. Wardell, *JFW*  
Director, Montana Office



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cc: Jan Sensibaugh, Director, MDEQ  
Mark Hall, Hazardous Waste Section, MDEQ  
Suzanne Bohan, EPA, Region VIII  
Susan Zazalli, EPA, Montana Office